

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. JOHN W. HALL	:	CIVIL ACTION
	:	
v.	:	
	:	No. 09-CV-5951
JEROME WALSH, et al.	:	

MEMORANDUM AND ORDER

Petitioner filed a petition for writ of *habeas corpus* relief under 28 U.S.C. § 2241. However, it was written on the first page of the instruction form for a petition under 28 U.S.C. § 2254. Petitioner's claims involve the delay of implementation of his parole to a Community Corrections Residency. Petitioner's proper course is to proceed under 28 U.S.C. § 2254. Contrary to Local Civil Rule 9.3(b) and Rule 2 of the Rules Governing Section 2254 cases in the United States District Courts, petitioner did not use the required 28 U.S.C. § 2254 form prescribed by this Court, effective October 2009. Use of the Court's form in proceedings under 28 U.S.C. § 2254 is designed to assure that a petitioner is given notice of the warnings required by *USA v. Thomas*, 221 F.3d 430 (3d Cir. 2000) (relating to the statute of limitations set forth in 28 U.S.C. § 2244(d)); and *Mason v. Meyers*, 208 F.3d 414 (3d Cir. 2000) (relating to restrictions on the right of a petition to file a "second or successive" petition under 28 U.S.C. § 2254). The specific *Thomas* and *Mason* warnings are contained in the introductory text of the Court's standard form.

AND NOW, this 8th day of January, 2010, it is ordered:

1. The Clerk of the Court shall furnish petitioner with a blank copy of this Court's form for filing a petition under 28 U.S.C. § 2254 setting forth the above-captioned civil

action number; and

2. Petitioner shall complete this Court's standard form of petition as directed by Local Civil Rule 9.3(b) and Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts, sign the completed petition, and return it to the Clerk of Court within thirty (30) days - otherwise, this action will be dismissed without further notice.

BY THE COURT:

/s/ Edmund V. Ludwig
Edmund V. Ludwig, J.